

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ORLANDO MARTINEZ,

Plaintiff,

-against-

BUDO MAINTENANCE CORP., et al.,

Defendants. :
-----X

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 9/8/2020
--

19-CV-3302 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

On November 3, 2019, the parties filed a joint motion to approve their proposed settlement agreement in this Fair Labor Standards Act (“FLSA”) case. Parties may not privately settle FLSA claims with prejudice absent the approval of the district court or the Department of Labor. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 200 (2d Cir. 2015). In the absence of Department of Labor approval, the parties must satisfy this Court that their settlement is “fair and reasonable.” *Velasquez v. SAFI-G, Inc.*, No. 15-CV-3068, 2015 WL 5915843, at *1 (S.D.N.Y. Oct. 7, 2015). Accompanying the proposed agreement was a letter outlining the details of the agreement. One of the many factors I consider in determining whether to approve a settlement under *Cheeks* is the maximum potential recovery for all of Plaintiff’s claims. The parties failed to provide that information. Therefore, I am unable to assess whether the settlement is fair and reasonable. The parties have also failed to provide time records and information related to attorneys’ fees. Accordingly, it is hereby,

ORDERED that the parties are directed to file a supplemental letter outlining Plaintiff’s maximum potential recovery for all of Plaintiff’s claims, as well as Plaintiff’s counsel’s time

records supporting the request for attorneys' fees, within twenty-one (21) days of the filing of this Order.

SO ORDERED.

Dated: September 8, 2020
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive style with a large, stylized "V" and "B".

Vernon S. Broderick
United States District Judge